

John Boehner
Chairman
8th District, Ohio

*House Meets at 9:00 a.m. for Morning Hour
and 10:00 a.m. for Legislative Business*

Anticipated Floor Action:

H.R. 2266—FY 1998 Department of Defense Appropriations Act

**H.Con.Res 75—Expressing the Sense of Congress Regarding States' Efforts
Against Repeat Criminals (Vote Only)**

H.R. 1348—Expanded War Crimes Act (Vote Only)



H.R. 2266—FY 1998 Department of Defense Appropriations Act

Floor Situation: The House will consider H.R. 2266 as its first order of business today. Yesterday, the Rules Committee granted an open rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives points of order against the bill for containing measures within the jurisdiction of the Budget Committee that were not reported by it. It also waives House rules prohibiting unauthorized appropriations, legislative measures in an appropriations bill, and transfers of unobligated balances. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. It permits the chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2266 appropriates \$248.3 billion in new FY 1998 budget authority—\$3.87 billion more than in FY 1997 (this amount includes \$1.8 billion in emergency supplemental appropriations for the Department of Defense enacted in *P.L. 105-18*) and \$4.4 billion more than the president's request—to sustain military personnel, develop and purchase military hardware, and maintain the operational readiness of U.S. forces. The bill does not make appropriations for military construction, military family housing, or nuclear activities, which are provided for in other bills. When CBO scorekeeping adjustments are taken into account, the bill is approximately equal to the subcommittee's current 602(b) allocation.

Specifically, the bill provides: (1) funding for a 2.8 percent pay raise (equal to the president's request) for military and defense civilian employees; (2) \$10.3 billion for the Defense Health Program, (\$8.1 million over the president's request); (3) \$1.3 billion for Defense environmental restoration programs; (4) \$2.2 billion for costs associated with contingency operations, including \$1.5 billion for Bosnia and \$678 million for Southwest Asia; (5) \$3.7 billion for the Ballistic Missile Defense Organization (\$707 million more than the president's request), which funds the National Missile Defense program, the Patriot PAC-3 missile program, and the Army's Theater High Altitude Area Defense (THAAD); (6) \$505 million (\$331 million more than the president's request) for the B-2 bomber program; (7) \$2.7 billion for three DDG-51 AEGIS destroyers (equal to the president's request); (8) \$2.3 billion for one New Attack Submarine (equal to the president's request); and (9) \$2.1 billion (equal to the president's request) for research and development of the F-22 fighter plane.

The bill also (1) denies funding for U.S. combat troops in Bosnia after June 30, 1998 (the president's announced troop withdrawal date), unless Congress approves an extension; and (2) requires all future DOD costs resulting from NATO expansion to be specifically identified in future defense budgets. CBO estimates that enactment of will result in outlays of \$165 billion in FY 1998, \$49 billion in FY 1999, \$18.3 billion in FY 2000, \$8 billion in FY 2001, and \$6.1 billion in FY 2002. The bill affects direct spending, so pay-as-you-go procedures do apply. The bill was submitted by Mr. Young (FL); the Appropriations Committee ordered the bill reported by voice vote on July 22, 1997.

Views (on the overall bill):

Republican Leadership: Supports

Chairman Livingston (Full): Supports

Chairman Young (FL) (Sub): Supports

Clinton Administration: Threatened Veto

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2266:

Mr. Coburn and Mr. Peterson (PA) may offer an amendment to prohibit any funds from being used to support the U.S. Man and the Biosphere program (USMAB) or the World Heritage Program. Biosphere Reserves and World Heritage Sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization (UNESCO). The USMAB operates without legislative direction and is not authorized by Congress, and the U.S. withdrew from UNESCO in 1984. Biosphere reserves, as well as World Heritage Sites and the areas surrounding them, may be subject to international land management rules. In FY 1996, the National Park Service, the National Forest Service, the Smithsonian, and the Bureau of Land Management contributed a total of \$170,000 to USMAB. *Staff Contacts: Neil Bradley (Coburn), x5-2701; Ian Pilling (Peterson), x5-5121*

Mr. DeFazio may offer an amendment (#1) to prohibit any funding in the bill from being used to pay for public printing or binding of government publications which do not follow the rules and regulations established by the Joint Committee on Printing. Proponents of the amendment argue that the Department of Defense should not use special color printing, or any other form of exceptional printing or binding unless it is necessary, and the DOD should abide by the regulations established under the Joint Committee on Printing. *Staff Contact: Carrie Lynch, x5-6416*

Mr. DeFazio may offer an amendment (#3) to reduce the defense-wide operation and maintenance account by \$25 million and transfer the funding over to the Humanitarian Demining account. The

bill currently appropriates \$55.6 million for overseas humanitarian, disaster, and civic aid (\$6.6 million more than in FY 1997 and \$24.6 million less than the president's request). Proponents of the amendment argue that with 250,000 landmine-disabled people living in the world, and with a new person being added to the list every 22 minutes, the U.S. should make a greater effort to help the millions of innocent people at risk of injury and death. Sponsors estimate that over 100 million landmines are still hidden in 68 countries around the world. *Staff Contact: Carrie Lynch, x5-6416*

Mr. DeFazio may offer an amendment (#3) to reduce the defense-wide operation and maintenance account by \$15 million and transfer the funding over to the defense-wide research, development, test and evaluation account, in order to fund DOD/VA joint medical research. Proponents of the amendment argue that since 1987, the DOD/VA Cooperative Medical Research Program has supported vital medical research on conditions that impact both active duty personnel and veterans. *Staff Contact: Carrie Lynch, x5-6416*

Mr. Kennedy (MA) may offer an amendment (#4) to stipulate that funding for the DOD specimen repository (used to identify remains of personnel) may only be used in accordance with DOD policy regarding the use of specimen samples (e.g., samples may be used only to identify remains, for purposes for which the donor or next-of-kin provides consent, or for cases where no reasonable alternative exists for obtaining a specimen for DNA profile analysis). *Staff Contact: Robert Gerber, x5-5111*

Mr. Nadler may offer an amendment (#5) to cut \$420 million from the Air Force research, development, test and evaluation account. The bill currently appropriates \$14.3 billion (\$136 million less than the president's request and \$184 million less than in FY 1997) for this account. *Contact: x5-5635*

Mr. Nadler may offer an amendment (#6) to limit the bill's funding for engineering and manufacturing development of the F-22 aircraft program to \$1.7 billion (currently, the bill fully funds the president's request of \$2.1 billion). The amendment also cuts \$420 million from the Air Force research, development, test and evaluation account. *Contact: x5-5635*

Mr. Obey may offer an amendment to cut \$1 billion from the \$2.1 billion for the Air Force's F-22 fighter, delaying its production for five years. *Staff Contact: Will Painter, x5-3356*

Mr. Obey may offer an amendment to cut \$107 million from the \$179 million provided above the president's request for three additional midair refueling tanker versions of the C-130 Hercules cargo plane for the Marine Corps. The amendment directs the remaining \$72 million to be used to convert C-130s already owned by the Air Force into tankers for the Marines. *Staff Contact: Will Painter, x5-3356*

Mr. Obey may offer an amendment to prohibit the use of funds to promote the transfer of high-tech weapons, such as front-line combat jets, to Latin America. U.S. policy has barred such transfers since 1977. However, proponents of the amendment argue that weapons manufacturers are mounting a "strong drive" to overturn the policy and preemptive action is necessary. *Staff Contact: Will Painter, x5-3356*

Mr. Obey may offer an amendment to cut the B-2 program by \$331 million, the amount appropriated over the president's request. The bill transfers \$173.5 million to modernize the midair refueling

tankers flown by the National Guard, \$50 million for breast cancer research, \$10 for land-mine removal, and \$97.5 million for cooperative threat reduction programs. The bill currently appropriates \$505 million for the continued production of B-2 bombers for the Air Force. **Staff Contact: Will Painter, x5-3356**

Mr. Sanders may offer an amendment (#7) to increase funding for the National Guard Starbase program by \$2 million (for a total of \$4 million in FY 1998, the amount requested by the president) and offset the increase by cutting \$2 million from the \$18 million provided for the NATO Joint Stars program, which has not yet received approval by the other NATO member countries. The Starbase public outreach program is administered by the National Guard and targets youth in grades 4-6 to learn hands-on with Guard pilots and technicians about math, science, and technology and to stay off drugs. **Staff Contact: Brendan Smith, x5-4155**

Mr. Sanders may offer an amendment (#8) to prohibit the Department of Defense from spending any funds to reimburse defense contractors for restructuring costs associated with merging their companies unless at least 50 percent of the allowable costs will be spent for services and benefits for workers fired or otherwise adversely affected by the merger. **Staff Contact: Bill Goold, x5-4115**

Mr. Shays and Mr. Frank may offer an amendment (#9) to reduce the total appropriation level for defense to the FY 1997 level of \$244 billion (a \$4.3 billion reduction from the current bill). **Staff Contact: Len Wolfson (Shays), x5-5541**

Mr. Smith may offer an amendment to require the Department of Defense, when meeting its statutory 2-to-1 savings-to-cost ratio (*P.L. 104-208* stipulates that before a defense contractor can recoup restructuring costs, it must demonstrate two dollars of projected savings to DOD for every dollar of merger-related restructuring costs allowed on flexibly priced contracts), to include as costs the following estimates: (1) the reduction in federal tax revenues resulting from a business combination (e.g., Lockheed and Martin Marietta); (2) the estimated increase in federal expenditures due to merger-related unemployment that the Secretary of Defense determines that unemployed persons are likely to use at higher rates than employed persons; and (3) the increase in federal grants and in-kind assistance to states and local communities from significant layoffs. Proponents of the amendment argue that GAO's April 1997 analysis identified \$48 million in Department of Labor grants to laid-off workers that were not included in DOD's process by which it certifies restructuring costs for payment. **Staff Contact: Andy Napoli, x5-3765**

Additional Information: See *Legislative Digest*, Vol. XXVI, #22, July 25, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER ENTIRELY NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

Votes on Bills Considered Under Suspension of the Rules

Floor Situation: The House will vote sometime today on the following two bills, which were considered yesterday under suspension of the rules. Each requires a two-thirds majority vote for passage.

- * **H.Con.Res. 75—Expressing the Sense of Congress Regarding States’ Efforts Against Repeat Criminals** expresses the sense of Congress that criminals who commit violent crimes should serve at least 85 percent of their sentences prior to release by parole or other means. Additionally, the resolution commends 25 states which, as of 1996, had established measures to ensure that criminals served the vast majority of their sentences prior to release, as was intended by Congress in the 1994 Crime Bill (*P.L. 103-322*). CBO did not complete a cost estimate for the resolution. H.Con.Res. 75 was introduced by Mr. Barcia and was reported by the Judiciary Committee by voice vote on June 18, 1997.
- * **H.R. 1348—Expanded War Crimes Act** expands the federal definition of “war crime” to include a list of activities condemned under various international human rights conventions, and establishes criminal penalties for the perpetrator if either the victim or the offender is a member of the U.S. armed forces or is a U.S. national. The definition of “war crime” is extended under the bill to include anything which violates the Geneva convention, as well as Articles 25, 23, 27, and 28 of the Hague Convention. Additionally, the bill includes measures to cover Protocol II of the Geneva Convention and the Convention on Conventional Weapons, should the Senate ratify those treaties in the future. A CBO cost estimate was unavailable at press time. The bill was introduced by Mr. Jones and the Judiciary Committee ordered the resolution reported by a vote of 17-4 on July 23, 1997.

Additional Information: See *Legislative Digest*, Vol. XXVI, #22, July 25, 1997.



Brian Fortune: *Editor*

S. Kevin Washington:
Senior Legislative Analyst

Becci Clark, Melissa Decker,
Jimmy Papadimitriu, Kevin Smith:
Legislative Analysts



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